

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

James Pittman, NO. C 08-05375 JW
_____/ NO. C 08-05810 PVT
Haig Ashikian, NO. C 09-00121 RMW
_____/ NO. C 09-00122 JF
Peter Keller, NO. C 09-00187 JF
_____/ NO. C 09-00275 RS
NO. C 09-00330 JSW

**ORDER RELATING CASES; DIRECTING
PARTICIPATION IN SCHEDULED
BRIEFING**

William Gillis,
_____/

Aaron Walters,
_____/

Eulardi Tanseco,
_____/

Jacob Medway,

Plaintiffs,

v.

Apple, Inc.,

Defendant.
_____/

Presently before the Court is a Motion for Administrative Relief to consider whether the following cases should be related: Pittman v. Apple, Inc., Case No. C 08-05375 JW; TanESCO v. Apple, Inc., Case No. C 09-00275 RS; and Medway v. Apple, Inc., Case No. 09-00330 JSW. (See Docket Item No. 18.)

Civil Local Rule 3-12(a) provides that an action is related to another when:

- (1) The actions concern substantially the same parties, property, transaction or event; and
- (2) It appears that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

Upon review, the Court finds that the above cases are related within the meaning of Rule 3-12(a). Accordingly, the Court orders the Clerk of Court to relate the above cases to C 08-05375 JW. In light of this finding, the Court VACATES pending calendar dates in the Tanseco and Medway cases. All filings shall continue to be filed in each separate action until consolidation or further order of the Court.


On March 9, 2009, the parties in the five previously related cases were scheduled to appear for a Case Management Conference. On March 5, however, the Court vacated the Case Management Conference and instructed the parties that the issues of consolidation and appointment of interim class-counsel are appropriately addressed by making a formal motion to the Court so that the Court may evaluate the best "leadership structure" for the class. The Court directed the parties as follows:

Accordingly, the parties shall appear on **April 13, 2009 at 9:00 a.m.** for a hearing on the parties' anticipated Motion for Consolidation and Appointment of Interim Class-Counsel. Any party may file a motion for appointment of Interim Class-Counsel. The parties shall file any such motion on or before **March 20, 2009**. Any opposition shall be filed on or before **March 30, 2009**. Any replies shall be filed on or before **April 2, 2009**.

In light of this determination, the Court finds that a Case Management Conference is premature at this time. Accordingly, the Court continues the Case Management Conference to **April 13, 2009 at 10 a.m.** On or before **April 3, 2009**, the parties shall file a Joint Case Management Statement. The Statement shall include, among other things, the parties' good faith discovery plan with a proposed date for the close of both class and merit discovery.

(Docket Item No. 25 at 2.) Accordingly, counsel in the Medway and Tanseco cases shall participate in the above scheduled briefing on the issues of consolidation and appointment of interim class counsel.

Dated: March 13, 2009


 JAMES WARE
 United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: March 13, 2009

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy